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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,117	07/13/2001	Alexander Channing Ho	ORCL5769	3844
53156 7590 02/05/2008 YOUNG LAW FIRM, P.C. 4370 ALPINE RD. STE. 106 PORTOLA VALLEY, CA 94028			EXAMINER JEAN GILLES, JUDE	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/905,117

Applicant(s)

HO, ALEXANDER CHANNING

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-33 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-33 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

This office action is responsive to the Reply filed on 10/17/2007.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 3-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Regarding claims 3-5:** Claim 3 recites the steps of "The method of claim 1, wherein the second server is a software module" These steps fails to definitely recite a hardware executing the computer software, rendering the claim as recited only an abstract idea. The claim equates merely to a computer code or concept per se since "a *software module*" in the context of the claimed invention are interpreted by the Examiner to represent computer code or concept, which does not have a practical application or tangible result. Claim 4 recites that the software module run on the first server, and claim 5 teaches the software module runs on at least on third server that is distinct from the first, but do not remedy the 101 issue as they lack antecedent basis. Further it is not clear from the specification that the first and third servers are computer storage media (see specification, page 11, lines 11-17).

**Regarding claim 20:** Claim 3 recites the steps of " a computer system configured to deliver content to a mobile device (fig. 7), comprising a first server, and a first proxy server. The claim equates merely to a computer code or concept per se since a software module is not considered hardware. There is no teaching in the specification to indicate that neither of the servers is a hardware capable of storing the computer program module to define any structural and functional interrelationships between the computer program and other elements of a computer which permit the computer program' functionality to be realized.

**Regarding claims 21-33, and 36-38** are also nonstatutory. The dependent claims are nonstatutory because they depend on a nonstatutory base claim.

Appropriate correction is required. The above noticed problems are just exemplary. Applicant is required to totally check the application for error and correct the same.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 3-33, and 36-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Maurya et al (Maurya), Patent No2002/0156833 A1.

Regarding **claim 1, 3-33, and 36-38, 1**, Maurya discloses:

1.(Currently Amended) A method for delivering content to a mobile device, comprising the steps of:

receiving, by a first server, a first request for content from the mobile device (par. 0027; items 160, and 1120);

responsive to the first request for content, sending, by the first server, to the mobile an address of the requested content in a reference format to the mobile device (par. 0029; *note the role of the plug-in mechanism in sending the content format to the handheld computer*);

receiving, by a second server, a second request from the mobile device for the content subsequent to the first request for content , the second request received from the mobile device being different from the first request received from the mobile device, the second request specifying an address of the requested content and a type of the mobile device (par. 0031, and 0037; *see that the third party server of Maurya is the second server that receives the second request from the handheld device*);

responsive only to the second request, fetching, by the second server, the requested content in the reference format from the specified address and converting, by the second server, the fetched content from the reference format to a format suitable to the mobile device (par. 0031, and 0037), and

delivering the converted content to the mobile device (par. 0031, and 0037).

2. (Canceled)

3. (Currently Amended) The method of ~~claim 2~~-claim 1, wherein the second server is a software module (par. 0015, 0024 and 0027).

4. (Currently Amended) The method of ~~claim 2~~-claim 1, wherein the software module runs on the first server (par. 0015, 0024 and 0027; see that the third party content provider server is capable of running on the wireless 120).

5. (Currently Amended) The method of ~~claim 2~~-claim 1, wherein the software module runs on at least one third server that is distinct from the first server (par. 0015, 0024 and 0027).

6. (Currently Amended) The method of ~~claim 2~~-claim 1, wherein the second server includes hardware (fig. 7; par. 0034).

7. (Original) The method of claim 1, wherein the first sending step sends the address of the requested content within a base file (par. 0026-0027).

8. (Original) The method of claim 1, wherein the address includes a Universal Resource Locator (URL) of the requested content (par. 0035).

9. (Previously Presented) The method of claim 1, wherein the converting step carries out at least one of the following steps: re-sizing the requested content; converting the requested content from color to black and white; cropping the requested content; dithering the requested content, flipping the requested content, and changing a number of colors of the requested content (par. 0030-0031).

10. (Original) The method of claim 1, further comprising a step of storing a copy of the converted content in a cache memory (inherently, the process of converting content in the context of the invention includes the step of storing a copy of the file in memory).

11. (Original) The method of claim 10, wherein the delivering step delivers the copy of the converted content from the cache memory if a valid copy of the converted content is present in the cache memory (par. 0026).

12. (Original) The method of claim 1, wherein the type of mobile device includes make and model information of the mobile device (par. 0033, and 0037).

13. (Currently Amended) The method of ~~claim 2~~-claim 1, wherein the second server stores a configuration table associating the type of mobile device with display characteristics of the mobile device (0033; *note the formatting for appropriate type of mobile device source*).

14. (Original) The method of claim 13, wherein the converting step includes a step of accessing the configuration table and converting the requested content to the format specified by the display characteristics associated with the type of the mobile device (par. 0033).

15. (Original) The method of claim 1, wherein the requested content includes an image and wherein the converting step includes a step of changing the resolution of the image (fig. 1, items 160, 170, and 185; par. 0036).

16. (Original) The method of claim 1, wherein the delivering step delivers the converted content to the mobile device at a selectable bit rate (par. 0037; *inherently, data compression in the context of the invention involves selection of bit rate*).

17. (Original) The method of claim 13, wherein the content is of a type selected from a group including image, video, audio, audio stream and video stream (par. 0004; 0026).

18. (Original) The method of claim 17, wherein the reference format is different for each type of content (par. 0031).

19. (Currently Amended) The method of ~~claim 2~~ claim 1, wherein the second server is a software module and wherein the address of the content in the reference format is passed as an argument to the software module (par. 0015, 0024 and 0027).



20. (Currently Amended) A computer system configured to deliver content to a mobile device (fig. 7), comprising:

a first server configured to deliver, responsive to a first request for content from the mobile device, an address of a content in a reference format responsive to a request for the content from the mobile device (par. 0027; items 160, and 1120; par. 0029), and

a first proxy server configured to receive a second request from the mobile device for the content, the second request received from the mobile device being different from the first request received from the mobile device, the second request including the address of the requested content in the reference format and a type of the mobile device (par. 0031, and 0037),

to fetch the content at the received address responsive only the second request only, to convert the fetched content from the reference format to a format suitable to the type of mobile device and to deliver the converted content to the mobile device,

**wherein the first proxy server is configured to maintain a configuration table associating the type of mobile device with display characteristics of the mobile device and wherein the first proxy server is further configured to access the configuration table and convert the requested content to the format specified by the display characteristics associated with the type of the mobile device** (par. 0031, and 0037).

21. (Original) The computer system of claim 20, wherein the first proxy server is a software module (par. 0015, 0024 and 0027).

22. (Original) The computer system of claim 21, wherein the software module runs on the first server (par. 0015, 0024 and 0027).

23. (Original) The computer system of claim 21, wherein the software module runs on at least one third server that is distinct from the first server (par. 0015, 0024 and 0027).

24. **(Previously Presented)** The computer system of claim 20, wherein the first proxy server includes hardware (fig. 7; par. 0034).

25. (Original) The computer system of claim 24, wherein the first server and the first proxy server are coupled to one another by a computer network (fig. 1, and 7).

26. (Previously Presented) The computer system of claim 25, further including a plurality of second proxy servers each of the plurality of second proxy servers being configured as first proxy servers and being coupled to a computer network (fig. 1, and 7; par. 0034).

27. (Original) The computer system of claim 26, wherein at least some of the plurality of second proxy servers are geographically separated from one another (fig. 1, and 7; par. 0034).

28. (Original) The computer system of claim 20, wherein the first server is configured to send the address of the requested content within a base file (par. 0026-0027).

29. (Original) The computer system of claim 20, wherein the address includes a Universal Resource Locator (URL) of the requested content (par. 0035).

30. (Previously Presented) The computer system of claim 20, wherein the first proxy server is also configured to selectively re-size the requested content, convert the requested content from color to black and white, crop the requested content, dither the requested content, flip the requested content or to change a number of colors of the requested content (par. 0030-0031).

31. (Original) The computer system of claim 20, wherein the first proxy server is also configured to store a copy of the converted content in a cache memory.

32. (Original) The computer system of claim 31, wherein the first proxy server is configured to deliver the copy of the converted content from the cache memory if a valid copy of the converted content is present in the cache memory (par. 0026).

33. (Original) The computer system of claim 20, wherein the type of mobile device includes make and model information of the mobile device (0033; *note the formatting for appropriate type of mobile device source*).

34-35. (Canceled)

36. (Original) The computer system of claim 20, wherein the content is of a type selected from a group including image, video, audio, audio stream and video stream (par. 0004; 0026).

37. (Original) The computer system of claim 36, wherein the reference format is different for each type of content (par. 0031).

38. (Original) The computer system of claim 20, wherein the first proxy server is a software module and wherein the address of the content in the reference format is passed as an argument to the software module (par. 0015, 0024 and 0027).

**Conclusion**

6. This action is name Non-Final. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Friday Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571)272-3201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-0800.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

January 23, 2008



NATHAN FLYNN  
SUPERVISORY PATENT EXAMINER